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AUG 02 2005

OFFICE OF PETITIONS

In re Application of
Watson, et al.
Application No.: 10/821,969
Filed: April 12, 2004
Attorney Docket No.: MFCP.110967
For: SYSTEM AND METHOD FOR
PROVIDING AN INTERACTIVE DISPLAY

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed July 5, 2005 (certificate of mailing date June 30, 2005).

The petition is **GRANTED**.

The above-identified application was filed on April 12, 2004 without an executed oath or declaration. Accordingly, on June 23, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on October 25, 2004, a petition for a two month extension of time and required fee, a declaration executed by 5 of 6 joint inventors, and the surcharge were filed. A statement of facts of Attorney Kerry H. Owens accompanied the petition. Attorney Owens explains that the non-signing joint inventor, Robert Girling, received a copy of the application, declaration, and assignment for the above-identified application and Mr. Girling refused to sign the declaration for the patent application on September 23, 2004 via e-mail.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition was dismissed on November 30, 2004 for failure to submit a proper declaration executed by the available joint inventors.

The instant reconsideration petition and request for 5 month extension of time with required fee was timely filed on July 5, 2005 (certificate of mailing date June 30, 2005). Petitioners have shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center G.A.U. 2173 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions